

Introduced by Senator Wright

February 26, 2009

An act to amend Section 4000.1 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 385, as introduced, Wright. Historic motor vehicles: preservation.

(1) Existing law establishes a motor vehicle inspection and maintenance program (smog check), administered by the Department of Consumer Affairs and the State Air Resources Board, that provides for the inspection of all motor vehicles, except those specifically exempted from the program, upon registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances.

Existing law also requires the Department of Motor Vehicles to require any motor vehicle subject to the above requirements to demonstrate compliance with the smog check requirements by submission of a valid smog check certificate of compliance or noncompliance, as appropriate, upon initial registration, and upon the transfer of ownership and registration of the motor vehicle, with certain exceptions, including, an exemption from these requirements for any motor vehicle manufactured prior to the 1976 model-year.

This bill would also exempt a motor vehicle that has historic vehicle license plates if the registered owner signs a statement under penalty of perjury that the motor vehicle will be used for specified purposes and if the registered owner owns 2 or more currently registered motor vehicles that are not registered as historic motor vehicles.

(2) To the extent that the bill would require a statement signed under penalty of perjury, the bill would create a new crime and, thus, impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4000.1 of the Vehicle Code is amended
2 to read:

3 4000.1. (a) Except as otherwise provided in subdivision (b),
4 (c), or (d) of this section, or subdivision (b) of Section 43654 of
5 the Health and Safety Code, the department shall require upon
6 initial registration, and upon transfer of ownership and registration,
7 of ~~any~~ a motor vehicle subject to Part 5 (commencing with Section
8 43000) of Division 26 of the Health and Safety Code, a valid
9 certificate of compliance or a certificate of noncompliance, as
10 appropriate, issued in accordance with Section 44015 of the Health
11 and Safety Code.

12 (b) With respect to new motor vehicles certified pursuant to
13 Chapter 2 (commencing with Section 43100) of Part 5 of Division
14 26 of the Health and Safety Code, the department shall accept a
15 statement completed pursuant to subdivision (b) of Section 24007
16 in lieu of the certificate of compliance.

17 (c) For purposes of determining the validity of a certificate of
18 compliance or noncompliance submitted in compliance with the
19 requirements of this section, the definitions of new and used motor
20 vehicle contained in Chapter 2 (commencing with Section 39010)
21 of Part 1 of Division 26 of the Health and Safety Code shall control.

22 (d) Subdivision (a) does not apply to a transfer of ownership
23 and registration under any of the following circumstances:

24 (1) The initial application for transfer is submitted within the
25 90-day validity period of a smog certificate as specified in Section
26 44015 of the Health and Safety Code.

1 (2) The transferor is the parent, grandparent, sibling, child,
2 grandchild, or spouse of the transferee.

3 (3) A motor vehicle registered to a sole proprietorship is
4 transferred to the proprietor as owner.

5 (4) The transfer is between companies the principal business of
6 which is leasing motor vehicles, if there is no change in the lessee
7 or operator of the motor vehicle or between the lessor and the
8 person who has been, for at least one year, the lessee's operator
9 of the motor vehicle.

10 (5) The transfer is between the lessor and lessee of the motor
11 vehicle, if there is no change in the lessee or operator of the motor
12 vehicle.

13 (6) The motor vehicle was manufactured prior to the 1976
14 model-year.

15 (7) Beginning January 1, 2005, the transfer is for a motor vehicle
16 that is four or less model-years old. The department shall impose
17 a fee of eight dollars (\$8) on the transferee of a motor vehicle that
18 is four or less model-years old. Revenues generated from the
19 imposition of that fee shall be deposited into the Vehicle Inspection
20 and Repair Fund.

21 (e) The State Air Resources Board, under Part 5 (commencing
22 with Section 43000) of Division 26 of the Health and Safety Code,
23 may exempt designated classifications of motor vehicles from
24 subdivision (a) as it deems necessary, and shall notify the
25 department of that action.

26 (f) Subdivision (a) does not apply to a motor vehicle when an
27 additional individual is added as a registered owner of the motor
28 vehicle.

29 (g) For purposes of subdivision (a), any collector motor vehicle,
30 as defined in Section 259, is exempt from those portions of the
31 test required by subdivision (f) of Section 44012 of the Health and
32 Safety Code, if the collector motor vehicle meets all of the
33 following criteria:

34 (1) Submission of proof that the motor vehicle is insured as a
35 collector motor vehicle, as shall be required by regulation of the
36 bureau.

37 (2) The motor vehicle is at least 35 model-years old.

38 (3) The motor vehicle complies with the exhaust emissions
39 standards for that motor vehicle's class and model year as
40 prescribed by the department, and the motor vehicle passes a

1 functional inspection of the fuel cap and a visual inspection for
2 liquid fuel leaks.

3 *(h) Subdivision (a) does not apply to a transfer of ownership*
4 *and registration if all of the following conditions are met:*

5 *(1) The motor vehicle has historic vehicle license plates pursuant*
6 *to Section 5004.*

7 *(2) The registered owner of the motor vehicle signs a statement*
8 *under penalty of perjury on a form provided by the department*
9 *that the motor vehicle will be used principally for the purposes*
10 *defined in subdivision (f) of Section 5004.*

11 *(3) The registered owner of the motor vehicle owns two or more*
12 *currently registered motor vehicles that are not registered as*
13 *historic motor vehicles pursuant to Section 5004.*

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.